

REMARKS

The Office Action dated November 30, 2006 has been carefully considered. Claims 1 and 19 have been amended. Claims 6 and 7 have been canceled. Claims 1, 2, 8-19 and 21 are in this application.

The limitations of dependent claims 6 and 7 have been added to claim 1. No new matter has been entered.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. in view of U.S. Patent No. 5,440,961 to Wankow. Applicants submit that the teachings of these references do not teach or suggest the invention defined by the amended claims.

As noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a film cutter apparatus includes rails formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail.

Wankow discloses a dispensing carton for a roll of sheet material including a spot of material which will detachably adhere to the leading edge of wrapping material. A cutter bar formed of a saw tooth metal strip is positioned adjacent the spot of material. The adherence of the leading edge of the wrapping material prevents additional polymeric film from being accidentally unrolled during the cutting operation; restrains the film from retracting into the carton and holds the edge of the film against the carton for facilitating tearing.

In contrast to the invention defined by the present claims, Wankow does not teach or suggest rails formed of a first material of polyvinyl chloride comprising at least 10% plasticizer coextruded with a second material formed of rigid vinyl or rigid PVC. Rather, Wankow is directed to a spot of material formed on the carton to prevent the material from retracting into the carton. In Wankow, there is no teaching of the combination of rails formed of a material for clinging plastic wrap to the rails before and after cutting of the plastic wrap with a blade housing sliding within a channel formed between the rails. Rather, Wankow is directed to a saw tooth metal edge for tearing or serrating the film rather than cutting of the film with a slide cutter.

Furthermore, Wankow teaches a material that is flat against the carton making it obvious to one skilled in the art that the product is a flexible product and made from either blown extrusion or a liquid. Wankow teaches materials such as alkyd coatings, phenolic varnishes,

epoxy coatings, acrylic coatings and shellac. Col. 3, lines 55-59. However, Wankow does not teach or suggest a material which can be used for forming a rail. In addition, Wankow teaches in Example I, a liquid formulation with less than 10% plasticization which teaches away from the present invention, including at least 100% plasticization, and therefore does not provide the attraction defined by the present claims. Wankow teaches using blown extrusion and cling to hold film from retracting back into the box which uses minimal cling characteristics. In contrast, the invention defined by the present claims provides sufficient cling of the plastic wrap to the rails before and after cutting with a slide cutter. There is no teaching or suggestion in Wankow of this claimed type of attraction.

In addition, it is obvious that Wankow does not address the actual cutting of the film in any way. The closest that Wankow comes is to disclose that tearing of the film is facilitated. Tearing is used because Wankow is referring to a serrated blade in his patent that is moved to the lower edge of the carton so that the "vinyl spots" can hold the uncut film in place. However, Wankow's "vinyl spots" would in no way have the ability to be placed onto a rigid slide cutter base, would not have the holding force (enough cling) as the present invention to cut, and the "vinyl spots" are being referenced to simply hold plastic wrap in place. Wankow is not teaching or suggesting a material offering sufficient cling capacity to hold in place for cutting nor does he teach or suggest any knowledge or thought of using cling in a cutting application. Moreover, there is no teaching or suggestion of the use of rails including a material for attracting a plastic wrap received over the rails in Wankow and it is only in hindsight that the Examiner can combine Wankow having spots of material formed on the carton and a serrated blade with the slide cutter including rails of Lucas Jr., et al. Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr., et al. in combination with Wankow.

With regard to claims 6, 7 and 9, the Examiner indicated that Boda teaches coextrusion is a process that is well known in the manufacturing of acrylic and other polymers. However, Boda does not teach or suggest coextrusion of a material of polyvinyl chloride having at least 10% plasticizer and a material of rigid vinyl or PVC. The selection of the materials has the advantages of providing a material for a rail having cling properties and a material for a rail base having durability properties. There is no teaching or suggestion of these advantages in Boda.

Further, Urion et al. and Tsai do not teach or suggest coextrusion of a material of polyvinyl chloride having at least 10% plasticizer and a material of rigid vinyl or PVC.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Wankow and U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Thus, Chuang does not cure the deficiencies of Lucas, Jr. et al., and Wankow, as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Lucas, Jr. et al. and Wankow in combination with Chuang.

Claims 16 and 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Wankow and U.S. Patent No. 5,398,576 to Chiu.

Chiu discloses a cutting device for a roll of film including a cutter placed on a positioning unit. A guide unit includes two vertical plates projecting downwardly from the rear portion of the cutter through the slot and two horizontal plates that project outwardly from the lower edge of the vertical plates. The length of the vertical plates is slightly longer than the thickness of the top wall of the positioning unit so that the front portion of the sliding body can turn somewhat upwardly to facilitate cutting of the protective film by the cutting edge of the blade. The positioning unit further includes an upright front stop plate which is mounted securely on the front end portions of the side and top walls of the positioning unit, and an upright rear stop plate which is mounted removably on the rear end portions of the side and top walls of the positioning unit so as to permit removal of the cutter from the positioning unit.

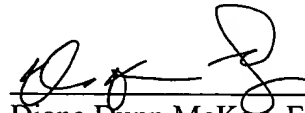
In contrast to the invention defined by the present claims, Chiu does not teach or suggest a pair of end caps releasably attached to either end of said elongated rail base for providing a bumper of said tracking device in said channel with said end caps, said end caps releasing upon application of excessive force. Rather, Chiu discloses that only one of the plates can be removed and does not teach or suggest removal of a pair of plates upon application of the excessive force.

Further, in contrast to the invention defined by the present claims as noted above, Chiu does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Rather, Chiu uses the shape of the cutter to allow the sliding body to turn upward in order to prevent bunching of the film. Thus, Chiu does not cure the deficiencies of Lucas, Jr. et al. and Wankow noted above. Accordingly, the invention defined by the present claims 16 and 17 is not obvious in view of Lucas, Jr. et al. and Wankow in combination with Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: March 30, 2007



Diane Dunn McKay, Esq.
Reg. No. 34,586
Attorney for Applicant

MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.
29 Thanet Road, Suite 201
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036